

RILEY MUST GO, UNION BANK MEN SAY TO WHITMAN

Sullivan Released from
Raymond Street Jail
on \$10,000 Bail.

SISTERS OF PRIEST PUT UP HIS BOND

Dr. Rohrer Appeals to Governor
and Inquiry Into Prisons De-
partment May Result.

A meeting between Governor Whitman, who will come to Brooklyn tonight to review the 23d Regiment, and members of the executive committee of the Union Bank depositors is sought by Dr. J. Ellis Rohrer, chairman of the committee.

Evidence gathered by the Brooklyn men who lost money in the institution which David A. Sullivan looted will be laid before the Governor. Those who will tender it believe that it will convince him to order Judge John B. Riley, new State Superintendent of Prisons, to resign to occupy that office. An investigation of his conduct will be requested.

David A. Sullivan, whose release from Sing Sing on Thursday on parole, after serving a two-year sentence, has stirred the depositors, was set free yesterday. He was discharged from the Raymond Street jail, where he was taken when brought from Ossining to Brooklyn, on \$10,000 bail. He will be permitted to remain at liberty until tried on three indictments now pending for further larceny of Union Bank assets.

Last night Francis B. Mullen, attorney for Sullivan, declared that the former bank president had gone into seclusion to rest and attempt to recover his health. He is said to be suffering from Bright's disease. When he is stronger, the lawyer said, he will use every effort to aid in the liquidation of the Union Bank.

Depositors Feel No Pity.

No pity for Sullivan, who is said to be a sick man, is in the hearts of many of the Union Bank depositors. They are incensed at Superintendent Riley, who, as head of the board of parole, allowed him his liberty. Riley's conduct in that matter and his "white-washing" of former Warden Thomas J. McCormick of Sing Sing, who permitted Sullivan to leave the prison in an automobile, when Governor Glynn ordered an investigation, have stamped him as unfit, they declare.

Frank H. Grether, chairman of the depositors' sub-committee to press the Riley charges with Governor Whitman, said yesterday that the latter's statement that Sullivan might render valuable service in settling up the affairs of the Union Bank was ludicrous as well as astounding.

"The paroling of Sullivan is adding insult to injury, considering that there are seven other indictments pending against him," Grether declared. "While he was supposed to be in Sing Sing he was actually and deliberately collecting money on mortgages of property belonging to the Union Bank. That fact was ignored by Superintendent Riley and members of the parole board. Such action on their part is clearly an abuse of power and not rendered in good faith."

Mr. Grether quoted from a recent statement of Edgar M. Cullen, former chief judge of the Court of Appeals, in which he declared habitual criminals and men of mature years who have committed offenses under no sudden temptation or provocation but in a deliberate effort to secure fortunes should not be paroled.

Reminds Him of Morse.

"What a travesty of justice it is to see a number of offenders convicted of such crimes released on parole after serving a short portion of their sentence," Judge Cullen stated. "Many are officers of large financial institutions who have wrecked them; trustees who have embezzled the funds and left the beneficiaries largely penniless and children, bereft of support."

Sullivan's acting the part of a sick man, declared Grether, reminded him of the Morse case.

"Superintendent Riley has proved himself unfit and incompetent to hold the office of Superintendent of Prisons," he added, "and his removal will be fully justified by the evidence we propose to submit to Governor Whitman."

Two mysterious strangers, who refused to make public their names, came from the office of the State Controller and went to the headquarters of the Union Bank, on the twelfth floor of the Temple Bar Building, in Brooklyn, yesterday and began the work of examining the accounts. Their presence was said to be part of a general investigation being made of all financial institutions in a predicament like that of the Union Bank to determine if the liquidation bureau of the State Banking Department has been carried on as economically as possible. It was said to be a mere coincidence that these officials arrived in Brooklyn the day that Sullivan regained his liberty.

The bond upon which the Union Bank wrecker was released was furnished by the Misses Anna, Elizabeth and May Woods, sisters of Monsignor John T. Woods, rector of the Holy Cross Church, of Brooklyn. Bail was fixed at \$3,000 on two of the indictments handed against Sullivan in November last and at \$5,000 on the third indictment handed down at that time. The indictments upon which the higher amounts were fixed charged him as a second offender.

Priest Lent Aid to Sisters.

Sullivan's bondswomen brought with them deeds to property at 111 and 113 Wythe Avenue and at 59 Lenox Road, which they inherited from their father, Bernard Woods. Deeds in the latter's office showed that only two weeks ago Monsignor Woods, and his brother Harry transferred to their sisters the interest in the properties. County Judge Roy approved the bond.

Sullivan was released before noon. He declared he had spent a sleepless night. He complained that it was hot and stuffy in Raymond Street Jail.

Sing Sing he slept in the hospital ward, spacious in comparison to a Brooklyn cell. He left the building with his counsel.

Rumors that Sullivan was about to

go to work for Daniel W. Quinn, Jr., deputy State Bank Superintendent, in charge of the liquidation of the Union Bank, were denied by that official.

He has received no communication from Sullivan, nor have he attempted to get in touch with him," Quinn declared. "We have been told by others that he is in possession of knowledge that might be useful in settling the affairs of the bank, and if such is the case we will be glad to receive whatever information he can give. We would welcome that from Sullivan or anybody else. I had no word from him, however."

The anti-Riley depositors of the bank were awaiting last night a reply to their message to the Governor asking for an opportunity to lay before him their charges against the State Prison Superintendent. Inasmuch as Governor Whitman will be in the city to-day, it was believed that the would arrange an appointment for this afternoon or late to-night.

Riley Defends Parole.

Albany, Feb. 19.—John B. Riley, State Superintendent of Prisons, gave out a statement to-night in which he defended the action of the State Parole Board in releasing David A. Sullivan, the Brooklyn bank wrecker, from Sing Sing Prison.

The statement followed the receipt by Governor Whitman of a telegram from Dr. J. Ellis Rohrer, protesting against Sullivan's parole. The action of the board and the position taken by Superintendent Riley lead to the belief that the Prison Department will be the next to be investigated by the Whitman probes.

"There are three more indictments hanging over the head of Sullivan," said Superintendent Riley, "but it is not the province of the prison authorities or the Parole Board to try indictments. Their sole function is to deal with the prisoners as they find them under the law."

"Sullivan was sentenced under an indeterminate sentence; he served the minimum part of that sentence, and under the law he had the right to ask for his parole."

"In Sullivan's case the prison reports were unanimously in his favor. The board of the warden, the chaplain and the head keeper. We also had about 250 letters in favor of granting the parole, whereas there was but one letter, and that practically anonymous, from the board of the warden. The parole, Sullivan was a good prisoner."

Discipline Saves

BRITISH FROM LOSS

Engineer Writes of Drastic

Measures Taken with

Deserters.

If discipline were not now being maintained in the British army it would lose, according to P. M. Neilson, now at the front in France with the First Lowland Company of Engineers. In a letter received recently by his sister, Miss Jessie R. Neilson, of Wilkesburg, Penn., he tells of several striking instances to show this. The letter is dated January 23.

"The Germans made an attack in the night," he says, "on the 12th. The night was dark, and nearly all, except two, of our officers fled. Our twenty, however, under Mr. Clark (one of the officers), who had retreated a little, came back to a charge. The other two officers were killed, but our good old Lowland regained the trenches after very hot work."

"One of the men left to tell the tale of 'Yipes' says he and a few others saw the Prussians going round the British wounded bayoneting them. They could not stand that, so they charged the Germans, who had the time to many men. The Germans, as usual, fell back into their trenches, but the Scotch and English boys pursued them, and then, of all the cheek in the world! The German crew down their arms and picked up for mercy. Our fellows simply shot them all down. Their blood was up."

"Night before last a bullet passed through a box on which I was leaning, but I have had few exciting times myself. Two men of a regiment who tried to desert were killed on the 12th, after a court-martial, and if discipline were not now maintained we would lose."

"It's a terrible thing, but I'm afraid it will last a long time. You have no idea what it is like. Our company, which gets home each night, is luckier than the infantry. They are in the trenches for days, even weeks, and some of them don't know what they are doing. Being there so long makes them mad. There is no doubt about that. If you want to speak to them they just stare at you. They don't understand."

"If, at any points, a man is wounded, he is suggested to the party conference by the Thursday preceding the convening of the next session. This motion prevailed."

In making the motion Mr. Mann used the words "party caucus." Mr. Cooper, of Wisconsin, moved to substitute "party conference," declaring "the day of caucuses is gone in the Republican party."

Mr. Mann said he did not use "caucus" as meaning star chamber proceedings, and suggested that the call be for "a meeting" of the Republicans, who could then "have some of their wanted a caucus or an open conference."

Shut Maltbie Out

OF STAR CHAMBER

Continued from page 1

Williams. He said he had spoken about capitalization cases under my supervision and that it was desirable to follow the precedents I had established in the previous cases. Mr. Williams then turned to Mr. Eustis, his idea that the precedents should not be followed, that we wanted to get away from them."

The Commissioner then went on to enumerate some of the precedents and said he had filed dissenting opinions in the cases because they had not been followed, notably in not checking up the expenditures of the company carefully as he thought necessary and in not charging off replacements properly.

In the Consolidated Gas case he did not think that the commission was justified in issuing \$25,000,000 in debenture bonds when they only wanted that amount and intended to sell them to the stockholders at a premium of some fifteen per cent. He objected also to what he believed was a recognition of a stock issue which had been made previously by the company without the consent of the commission.

The conferences of Commissioners Williams and Wood and Chairman McCall, to which he had not been invited, had usually been held in the chairman's room, witness said. So far as he could learn rapid transit matters, contracts, etc., were usually discussed. He believed the Brooklyn Rapid Transit Company's signal contract had also been taken up.

Star Chamber Method Used.

"Commissioner Mann would not have attended such conferences, would he?" Mr. Hayward asked. "He called them star chamber proceedings, you know."

"I imagine he would have called them star chamber proceedings raised to the nth degree."

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SENATE BEGINS WORK ON GREAT SUPPLY BILLS

With Ship Measure Out of
the Way, Routine Work
Is Resumed.

MILLIONS PASSED WITHOUT DEBATE

Senators Crack Jokes as They
Provide for President's
Trip to Panama Fair.

[From The Tribune Bureau.]

Washington, Feb. 19.—The machinery of the Senate, long clogged by the deadlock over the ship-purchase bill, began to move with routine speed to-day, but the Republicans kept their hands on the parade. The legislative, executive and judicial appropriation bills were put through with moderate haste, and items aggregating millions of dollars were approved without debate.

Most of the Senators were eager to push the appropriation bills along, but the Republicans called a halt on precipitate action. The minority is taking no chances on the resurrection of some of the supply bills if they try to resume the fight for the ship bill.

The Senate restored the traveling allowance of 20 cents a mile to members of Congress, which had been reduced by the House.

The item of \$160,000 for the payment of the expenses of the President as host to the traveling guests of the Government at the San Francisco Exposition caused discussion. Senator Kenyon offered an amendment prohibiting the use of this fund for the payment of the traveling expenses of members of Congress who might be invited to attend the exposition. This was tabled by a vote of 35 to 30. Senators included in ex-President Taft and Roosevelt in the executive party, some suggesting that separate vessels would be required for them for the trip through the Panama Canal.

Senator Martin, chairman of the Appropriations Committee, said a conference of Democratic and Republican leaders called by the President had agreed to ask \$250,000 to defray the expenses of the President and his party, which was to include foreign diplomats and 200 or 300 members of Congress. The committee, on being advised of some criticism of this last provision, expressed its opposition to the appropriation \$90,000, leaving it to the President to invite whom he would.

With the ship bill out of the way, Senate leaders were giving some thought to matters other than appropriation bills which might be urged at this session. It was understood that the administration was particularly desirous that the treaties with Nicaragua and Colombia be ratified, and that it would like to see some conservation legislation. Senator Myers, chairman of the Public Lands Committee, said that opposition to the proposed non-possessory metal land leasing bills probably would make it impossible to pass them. Senator Hitchcock, chairman of the Philippine Commission, said he would not expect the administration to be expected to pass a "fair chance" of passing, although considerable opposition to the United States ultimately to grant independence was to be expected.

The House passed the pension bill, carrying \$164,000,000, and took up the diplomatic and consular measure, appropriating \$4,600,000.

Wait to Choose Leader

Republicans of Next Congress

Postpone Conference.

[From The Tribune Bureau.]

Washington, Feb. 19.—Republicans of the House met in open conference to-day and voted to postpone the selection of a minority leader and the organization of committee members for the next Congress.

Representative Mann said it would be unfair to members-elect to ask them to come to Washington to-day. He suggested that the party conference be called for the Thursday preceding the convening of the next session. This motion prevailed.

In making the motion Mr. Mann used the words "party caucus." Mr. Cooper, of Wisconsin, moved to substitute "party conference," declaring "the day of caucuses is gone in the Republican party."

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Maltbie to acknowledge that he was not an efficient Commissioner because he did not know the complainants had been "strung along," the reply was that he had been so busy on gas and electric cases and the complaints to that bureau that he had not had time to look into the handling of the other complaints.

"Under the circumstances," he said gravely, with a shake of his head and laying emphasis on the word "head," "I think I did my full duty."

"If you don't have division of work you don't get responsibility," he added. "If everybody is to be responsible for and is looking into everything, you will find that work is not properly done."

Asked as to what the division of labor in the commission was, Mr. Maltbie replied:

"Commissioner Williams has had charge of the B. R. T. service, some grade crossing and these capitalization cases I have told of."

Each in the time Mr. Hayward had the surface matters in the Bronx and the elevated cases in Manhattan and The Bronx and subway service to some extent.

Chairman McCall has had the supervision of the administrative side, the handling of rapid transit cases and of matters that have come up under the dual contracts.

Each had charge of gas and electric cases, of their rates, of capitalization cases—up to recently—and the reorganization and rehabilitation of lines that have been under receiverships and to some extent, the handling of the surface service in Manhattan."

Cram Is Forgotten.

Mr. Maltbie neglected to state that Commissioner Cram had had charge of anything. It is due to the fact possibly that Mr. Hayward then led him into a discussion of his own work.

For the day Mr. Hayward had tried unsuccessfully to get a statement from the witness as to the length of Commissioner Cram's daily toil.

Workmen Fled When Drill

CAUSED FIRE IN SUBWAY

Four witnesses were on the stand at

yesterday's hearing of the Public Service Commission, held to investigate the subway accident of January 6 at Broadway and Fifty-third Street. Two members of the board of engineers testified at the morning session, which was punctuated by several small fires. In the afternoon two former employees of Holbrook, Cabot & Rollins, contractors, told their stories, one of them causing a stir among the commissioners and spectators.

The testimony of Andrew Veitch, Jr., and Robert L. Dixon, engineers of the commission, contradicted the charge made by William Hayward, counsel to the legislative investigating committee, that a puncture made by employees of the Holbrook corporation on Forty-second Street had been the cause of the short circuit in the subway. His charge was based on affidavits made by Lex Riggs and William Johnson, who were witnesses later in the day.

These men told of the chipping away of concrete and the flash which came when a bull point struck some soft material. Both admitted their inexperience. Diggs of cutting away concrete with a sledge. How earth was thrown over the blaze was told also by both witnesses.

Ex-Lieutenant Governor Thomas F. Conaway and James Quakerush, attorney for the Holbrook company and the Interborough, respectively, made the men tell exhaustively of the affidavits they signed for Assistant District Attorney Breckenridge on February 15.

Foreman's Memory Is Faulty.

Diggs, a foreman, was unable to remember whether he told his men to be careful as they chipped concrete, as a subway duct line was beneath them. He admitted he did not know whether he told them to be careful or not, and did not call to mind that he said that it might involve a loss of life if the duct was struck by a bull point.

He told how he mentioned the flash to Mr. Watts, his superintendent, who, he said, advised him he was "in bad" and had better get out.

"I told him I didn't have any money," the witness asserted.

After describing his positions for some time back Diggs related how his men told him about 8 o'clock on the day of the accident that they had struck something and they had run away. Why, he did not know. He did not mention this to the superintendent until January 26 or 27. He talked to Mr. Fitzgerald, of the Interborough, before that time for about fifteen minutes, but he answered him evasively, because he did not know whom he represented.

The bull point which struck the duct, Diggs said, was thrown into the gutter and picked up in a truck. He did not know what became of it.

He did not think of striking the duct caused the accident," he went on, "or I would have told my employers of it. When I spoke to Mr. Watts he told me to keep quiet or the Coroner would hold me responsible. Then he took me to Mr. Clark, who asked me about it."

Mr. Clark is general superintendent of Holbrook, Cabot & Rollins.

"Did you feel that you might have a duty as a citizen to inform the pub-

"I want you to tell us just how many hours a day on the average he has put in at the offices of the Public Service Commission."

"I can't tell that," he said. "Well, if you can't figure it out in hours, give it to us in minutes," came from the chair of the presiding officer, which is filled by the wit of Niagara County.

All sorts of excuses were advanced by Maltbie to avoid any definite statement as to Mr. Cram's hours. He would say nothing more definite than that he had frequently gone to his room on business and not found Cram in. He had gone there up to noon. The Commissioner did not generally attend the adjourned meetings of the commission in the afternoon.

"Didn't Commissioner Cram get down between 11 and 12 o'clock and go away about noon?" finally said counsel.

Counsel then took the Edison company case, which has been drawn out since 1911. One of the original complaints was made in 1908. He wanted to know why it should take so long to decide a case, and why the company should be permitted to get millions in excess profits while a reduction in rates was being considered.

"I think you do not give sufficient weight to the tremendous importance of this case," said the Commissioner. "This is the biggest electric light case in the United States. The questions involved are not only of rates, but of discrimination."

This is the hobby of Mr. Maltbie, and, although he had been appreciably more nervous than on the first day up to that time, he at once warmed up and began to deliver an address on the subject. He has within a day or two finished his last opinion in the case, and nearly gave away some of the contents of it.

He was, but he said to Mr. Conaway, "You must remember I'm not an electrical engineer; I'm only a muck boss."

As the attorney endeavored to learn the views of the men on January 6 he followed a long series of questions with: "Did McCall, after saying he had had a slight shock, turn at all pale?"

The witness laughed aloud, as did one or two others acquainted with the situation.

"Why do you laugh at that?" asked Mr. Conaway, surprised.

"Yes, I couldn't turn pale," he said. Then, after a pause: "He's black—a negro."

Even Chairman McCall had to chuckle. "Well, we'll excuse you, Governor," he said to Mr. Conaway. "That name may have misled you a little."

Dixon, at the morning session, told of examining the duct on January 25 and finding the duct intact. Veitch said he found it punctured that afternoon and Dixon spoke of finding it in that condition two days later. On January 26, he said, he had found nothing out of the ordinary, and confessed that he had first heard of the story linking the excavation fire with the subway accident on either January 27 or 28.

"Did you hear that the Interborough was trying to fix the blame for it on Holbrook, Cabot & Rollins?" asked Mr. Conaway.

"Yes, I heard rumors to that effect," he replied.

Tube Puncture Described.

Dixon was asked of his investigation of January 26. He said he had not reported on the condition of the manhole he examined, as he had not considered the matter of sufficient importance.

William Johnson, a negro, a former employee of the Holbrook corporation, who said he had been "canned," was the last witness. His almost invariable reply of "I couldn't say" brought many a laugh. He told of the flutter which came when the bull point he hit with his sledge struck something soft and how he had got out.

"The bull point went in and I went out," was the way he put it. When asked if McCall, who held the drill, fled, he answered: "Sure; he beat me out."

"Were you scared when the flash came? Could you smell any smoke?" followed.

"I was so frightened I couldn't smell," the negro replied.

He told of two meetings with Mr. Fitzgerald, in which he had said nothing at all about the accident, because he did not know the man and it was none of his business.

"He didn't tell you any relatives had died and left you money, did he?" Mr. Conaway asked.

"No; if he had, I would have talked to him."

There were three employees of Holbrook, Cabot & Rollins at the time of the accident still waiting to be called at 6:15 o'clock. Chairman McCall ordered an adjournment at that time until Tuesday morning.

MALTBIE HARD WORKER ON CASES BEFORE P. S. C.

Commissioner Maltbie's work on Public Service Commission:

Number of cases considered by the individual commissioners or by the whole commission since it was organized, compared with those considered by Mr. Maltbie:

Year.	Total.	Maltbie.
1907.....	126	7
1908.....	283	32
1909.....	157	35
1910.....	109	12
1911.....	144	20
1912.....	107	38
1913.....	175	37
1914.....	116	23
Totals.....	1,217	204

Comparing the number of hearings held and opinions given by Commissioner Maltbie in 1914 with those of other commissioners:

Commissioner.	Hearings.	Opinions.
Maltbie.....	115	28
McCall.....	2	2
Williams.....	42	6
Cram.....	29	4
Wood.....	32	*2
Eustis.....	—	17
Totals.....	220	49

*For last six months only. †For full year. ‡For first six months only.

SAYS BRYAN SHOULD RESIGN

Representative Rogers Thinks
Santo Domingo Affair Should
End Secretary's Career.

[From The Tribune Bureau.]

Washington, Feb. 19.—Criticizing the selection of James M. Sullivan as this country's representative in Santo Domingo, Representative John J. Rogers, a Massachusetts Republican, expressed the opinion in the House to-day that Secretary Bryan ought to resign.

Representative Hamill, of New Jersey, sponsor for Minister Sullivan, rushed to the defense of the accused official and asked the House to "withhold judgment until all the facts are out."

"I do not criticize Mr. Sullivan as much as I do the Secretary of State," said Mr. Rogers. "Why has he selected an unfit man for such a place?" Mr. Rogers read extracts from testimony in the pending investigation, and referred sarcastically to the Vick letter which Secretary Bryan sent in behalf of "deserving Democrats."

"It all depends on the construction of the word 'deserving,'" answered Mr. Hamill, who said the term should not be used as one of disrespect.

Santiago, Cuba, Feb. 19.—James D. Phelan, the special commissioner appointed by President Wilson to investigate the conduct of James M. Sullivan, American Minister to Santo Domingo, sailed from this port to-day for Santo Domingo on the United States cruiser Tacoma. Mr. Phelan is accompanied by C. H. Strong, Howard Duval, A. A. McLain and John S. Irby, special counsel.

Tube Puncture